

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOHN WOLDING,

Plaintiff,

v.

Case No. 10-10644
Honorable Patrick J. Duggan

RICHARD CLARK,

Defendant.

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ORDER

On February 12, 2010, Plaintiff John Wolding (“Wolding”) filed this action against Defendant Richard Clark (“Clark”), his partner in various “nonstandard auto insurance” corporations. In his Complaint, Wolding alleges the following claims against Clark: (1) violation of the Federal Fair Credit Reporting Act, 15 U.S.C. § 1681 *et seq.*; (2) “violation of fiduciary duties and oppression of minority shareholder by controlling shareholder”, Mich. Comp. Laws Section 450.1489; (3) fraud; and (4) “injunctive relief, appointment of receiver, and accounting.” Presently before the Court is Clark’s motion to dismiss Counts Two, Three, and Four of Wolding’s Complaint and to strike Wolding’s jury demand with respect to Counts Two and Four, filed pursuant to Federal Rules of Civil Procedure 12(b)(6) and (7) on April 16, 2010. Wolding filed a response to the motion on June 3, 2010, and the Court held a motion hearing on September 21, 2010.

For the reasons set forth at the motion hearing, the motion is taken under advisement. Plaintiff John Wolding shall file an amended complaint consistent with the

discussions at the motion hearing within seven (7) days of the date of the hearing.

Defendant Richard Clark may file a supplemental motion to dismiss within ten (10) days of the filing of the amended complaint.

SO ORDERED.

DATE: September 22, 2010

s/PATRICK J. DUGGAN

UNITED STATES DISTRICT JUDGE

Copies to:

Michael J. Lebow, Esq.

Sean M. Walsh, Esq.

Paula Johnson-Bacon, Esq.